

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA)
)
v.)
) Case No. 3:11-CR-25
DAVID MINER) PHILLIPS/SHIRLEY
)

MOTION TO CONTINUE

Comes the defendant, David Miner, and moves this Honorable Court for an Order continuing the trial of this case. The trial is presently set for June 29, 2011. Counsel was appointed to represent Mr. Miner at his initial appearance on April 27, 2011. Discovery was originally due in this case on May 4, 2011. The government is in the process of putting the discovery on a disk so that counsel will not have to sit in the IRS office to review the discovery. This disk is expected sometime next week. This is fine with the defendant to do discovery this way and the delay is certainly reasonable and acceptable. Because of this delay, however, all of the dates in this case need to be reset. The motion cut-off deadline is May 25, 2011, the pre-trial conference date is June 22, 2011, and the trial date is June 29, 2011.

The defendant will need time after receiving the discovery to file motions and prepare for trial. Mr. Miner agrees that the ends of justice served by the continuance outweigh the best interest of the public and the defendant in a speedy trial. All time from the current trial setting of June 29, 2011, until the new setting should be excluded from speedy trial computations.

Respectfully submitted this the 25th day of May, 2011.

FEDERAL DEFENDER SERVICES OF
EASTERN TENNESSEE, INC.

By: s/Kim A. Tollison
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COUNSEL FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on May 25, 2011, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the court's electronic filing system.

s/Kim A. Tollison
Kim A. Tollison